

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**NOKIA TECHNOLOGIES OY,**

**Plaintiff,**

**v.**

**LENOVO (SHANGHAI) ELECTRONICS  
TECHNOLOGY CO. LTD., LENOVO GROUP,  
LTD., LENOVO BEIJING, LTD., LENOVO PC  
HK LIMITED, AND LENOVO (UNITED  
STATES), INC.,**

**Defendants.**

**CIVIL ACTION NO.**

**5:19-cv-00427-BO**

**JURY TRIAL DEMANDED**

**NOKIA’S MOTION TO DISMISS LENOVO (UNITED STATES), INC.’S SECOND  
COUNTERCLAIM: VIOLATION OF THE  
NORTH CAROLINA UNFAIR TRADE PRACTICES ACT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff Nokia Technologies OY (“Nokia”), by and through its undersigned counsel, respectfully submits this Motion to Dismiss the Second Counterclaim filed by Defendant Lenovo (United States), Inc. on May 18, 2020. *See* ECF No. 48. This motion is accompanied by a brief that sets forth the reasons the Second Counterclaim fails to state a claim upon which relief can be granted. For the reasons stated therein, Nokia respectfully asks the Court to dismiss Lenovo (United States), Inc.’s Second Counterclaim: Violation of the North Carolina Unfair Trade Practices Act.

Dated the 29<sup>th</sup> day of June, 2020.

/s/ Theodore Stevenson, III

---

Theodore Stevenson, III  
TX State Bar No. 19196650  
tstevenson@mckoolsmith.com  
Warren Lipschitz  
TX State Bar No. 24078867  
wlipschitz@mckoolsmith.com  
Richard Kamprath  
TX State Bar No. 24078767  
rkamprath@mckoolsmith.com  
Albert M. Suarez IV  
asuarez@mckoolsmith.com  
TX State Bar No. 24113094  
MCKOOL SMITH, PC  
300 Crescent Court, Suite 1500  
Dallas, TX 75201  
Telephone: (214) 978-4000  
Telecopier: (214) 978-4044

*COUNSEL FOR PLAINTIFF NOKIA  
TECHNOLOGIES OY*

/s/ Matthew P. McGuire

Matthew P. McGuire  
N.C. State Bar. No. 20048  
ALSTON & BIRD LLP  
555 Fayetteville Street, Suite 600  
Raleigh, NC 27601  
Telephone: (919) 862-2200  
Facsimile: (919) 862-2260  
E-mail: matt.mcguire@alston.com

*LOCAL CIVIL RULE 83.1(D) COUNSEL  
FOR PLAINTIFF NOKIA TECHNOLOGIES OY*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 29, 2020, I electronically filed the foregoing Motion to Dismiss Lenovo (United States), Inc.'s Second Counterclaim: Violation of the North Carolina Unfair Trade Practices Act with the Clerk of Court using the CM/ECF system, which will send notification of such filing and effectuate service to the counsel of record in this matter.

**ALSTON & BIRD LLP**

/s/ Matthew P. McGuire

Matthew P. McGuire

N.C. State Bar. No. 20048

ALSTON & BIRD LLP

555 Fayetteville Street, Suite 600

Raleigh, NC 27601

Telephone: (919) 862-2200

Facsimile: (919) 862-2260

E-mail: matt.mcguire@alston.com

*LOCAL CIVIL RULE 83.1(D) COUNSEL  
FOR PLAINTIFF NOKIA TECHNOLOGIES OY*